



## Legal and Judicial Investigation of Jobs with the priority for Women

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**Abstract:** *The legal and judicial investigation of jobs with the priority for women is the title of an article that tries, with regard to the issue that women are created to do some different activities from men and there are physical and psychological differences between women and men and considering the time and place conditions and due to this matter that the maternal critical task and breeding the powerful generations have been laid upon them by the creation act, to rank the jobs and introduce some activities with the priority for women including the health, medical and education services, total professional services, activities in the media and the press in field of the women, rescuing activities and charitable actions. On the one hand, this study has stated the base of such priorities including the characteristics of women, the benefits or interests of couples and families (with regard to the matter that the primary roles of women are housekeeping, maternal activities and raising the children), the need to woman obeying from her husband and having no responsibility in the livelihood of the family; and on the other hand, considering the living conditions of today required women work along with men in advancing the common goals and realizing the eminent human and divine ideals and trying to acquire the sciences and education and different social activities and they need to get educated and work outside their houses.*

**Keywords:** *jobs, women, interests, obey, priority and family*

### INTRODUCTION

The recognition of human is one of the most critical social needs. The emergence of different sciences showed this fact, unlike the primary view, the human is one of the most complex human beings and the recognition of the human is considered as the most effective sciences. Since women are more than half of the human population, the recognition of her features and related issues is the recognition of half of the human society. Without these knowledge, the use of the women's talents and physical and psychological abilities are not allowed and by focusing on the last incomplete information, their mystery depths of souls will never be discovered.

Therefore, in order to achieve this purpose and gain the rules and legislation to the social justice and the gender justice, the issues of women should be planned and observed with the scientific view and all doubts of the thoughts of the young people especially the girls and women need to be removed.

Because women as men enter in the realm of the society, whether or not, they are some part of the job seekers and over time they demand the autonomy and job opportunities related to their values or even opportunities equal to men. So, some questions have been arisen in this regard:

With regard to the permitted jobs for the women, where are the fields?

Among the tasks and activities done by women, which tasks are priorities?

Accordingly, the current study has been developed the subject. It hopes to facilitate the employment of the women in the society and explain the suitable solution for quality and quantity of their employment.

### **The Importance of the Job in Islam**

Islam has considered the job and activity as the fundamental unit of life and the strongest factor for the production and the most important element in producing the wealth. Prior to the creation of the new schools, Islam has laid its eternal school and has explained the importance of the job by Quran and traditions.

In Islamic law, job is a factor for the self-purification and training of humans because Islam is against the laziness and indolence. Holy Quran has stated that Allah has created you and has asked you to rebuild your land:

“And unto the (people) Thamud (sent we) their brother Saleh. Said he: Oh, my people. Worship ye (none but the only) God; ye have no god other than He. He raised you from the earth and hath given you to flourish therein; therefore, ask ye forgiveness of Him, then turn ye repentant unto Him: Verily my Lord is (ever) Night, (ready) Responder”.

It is obvious that the absolute meaning of “flourishing” or “rebuild” is in fact doing work and activities on the ground which has a special quality due to time and space because the colonization means seeking a flourishing place in the sense that a person wants another person to cultivate or flourish a place until it becomes ready to exploit; an exploitation expected that place (Tabatabaie, 1985: 310/10; Tabaresi, 1994:265/5; Unknown date: 16/6).

Many prophets and Imams (AS), as the leaders of the human societies that their behaviors are examples for others, have mentioned working as one of the good human manifestations. Imam Ali (AS) has stated Allah likes a faithful who has a career and is employed in it” (Horr Ameli, Unknown date: 134/17). Imam Sadiq (AS) has stated: “He is not of us whom leaves this world for another world or leaves another world for this world (Ibn Baboye Qomi, 1980: 156/3). So, if the job provides the material needs in human lives, not only, it is not prohibited but also takes into consideration. Of course, there is no doubt that the job should be complied with the spiritual aspects, particularly, with the respect to the right of others and the interests of the society otherwise if the job is inconsistent with these purposes, it is forbidden in Islamic law.

### **The Importance of Employment of Women**

As the today’s world is an industrial and automotive world and women as well as men can be considered the producers; so the women should not only be considered as the consumers because the exclusion of women, that are half of the stimulus tools, causes stopping the wheels of the lives. In addition, the employment of women is very effective in removing the fundamental problems such as illiteracy, balancing the incomes and removing the problems and the gaps in the incomes. So, the employment of women, in addition to the social influence, is a means to improve the economy of the families.

It should be noted that in most cases, the employment of the women is considered some allowance; but, sometimes it may be totally the responsibility of the women due to the loss of the family head and then such women have direct responsibility in home affairs both economically and socially; although, they have not legally such responsibilities.

So, the government of Islamic Republic of Iran should make provisions to maintain the honor of the family and the roles of the women as one of the fundamental element in order that the women can achieve their natural and legal rights, flourish their talents and emerge their abilities. There needs to use the abilities of the women as half of the human society in the development of the civil society mentioned in Islam. In this regard, the women will be able to house their authorities in the home and perform their social and legal obligations due to the divine limitations.

### **Employment of Women is Right or Duty**

A question in the general principle of the employment is designed: "Is the employment of women the right or the duty?"

According to the religious and moral teachings and the social rules, women have no responsibility to guarantee the living expenses and this is the duty of men to provide the incomes and living expenses. So, women have no responsibility to work.

In response to that question whether the employment is the right or the duty for women, it depends on the views and attitudes. There are some differences between a person who has the humanist view and another person who looks at the issues with religious and divine view.

Looking the human with the humanist view causes to consider the employment as the right of the woman at any price because the criterion is the man and his needs. But if we have a realistic and religious view, we will accept, in some cases, that the priority in activities and the attention to the rights of people can be considered very important and fundamental issue. Then, we have no right to spoil the rights of other people. The right of employment for the women should not spoil the rights of the family and the children. It is desirable for them to have a practical application and religious, moral and social limitations. As a result, the employment of women will be the right and important if it is integrated by the religious and social standards with moral boundaries.

### **Job Priorities**

In order to find what jobs are consistent with the spirits and interests of women (job priorities), their employment should be investigated from two aspects because women, on the one hand, have the high and valuable responsibility of the fellowship and the motherhood and on the other hand, they are very effective social elements.

If we consider the subject from the first aspect, it seems that with regard to the primary task of women which is training the competent children and warming up the family, it is better for them to spend their valuable time in this way in order to meet the different needs of their husband and children and comply their rights. Ayatollah Khomeini, by inspiration from the religious leaders, has stated: "Any job is not honorable as the motherhood. The services of the mothers to the society are higher than the services of the teachers. Their duties are higher everybody" (Imam Khomeini,1995:107).

It is obvious that a woman who has no responsibility outside the home can certainly perform her duties with more rest and tranquility, meeting the emotional and psychological needs of her husband and children and their basic requests with additional power and helping the members the family to be successful and develop their overall growth contexts.

In addition, the mental structure, physical features and psychological and emotional behavioral characteristics of the women are in manner that may be damaged when facing to the current problems of the society, dealing to clients, the necessity of the work connections with the boss and staff in the workplace and responsibility and getting along with the troubles and other problems, and perhaps they may suffer, in some cases, from the psychological and spiritual crisis and, as a result, they cannot overcome their main responsibilities- maternal and housekeeping duties.

But if we look at the subject from the second aspect, we realize that our situations after the revolution require using our total powers and forces in order to reconstruct and develop all fields, increase the success and productivity and apply the talents and abilities of the women optimally who are half of human resources in every society.

Imam Khomeini has stated in this regard: “all people of Iran – women and men –have to construct this ruined place remained for us. Iran cannot be fixed with the only man. The women and men should rebuild it” (Imam Khomeini, 1992: 154/5).

Undoubtedly, if the half of the competent and efficient population is neglected, the development and construction programs will face the loss of success and at least the slow progress and then the great programs will be frustrated and failed.

Given the widespread presence and active role of women in the society and high sensitivity of their role in the economic development policies and educational and social development and the realization of the collective hopes and the increase of the production and eradication of the poverty especially in rural areas; no doubt, this necessity- the participation of the women in development and construction, especially in cultural matters, reconstructing human resources, training capable elements, healthy environment and etc.- is not covered on any wise and knowledgeable person and the social necessities.

Imam Khomeini has stated with regard to this issue: “The women have the major role in the society. If the human-made women have been got from the nations, they will be faced to the defeat and the decline” (Imam Khomeini, 1995: 207-209).

Also, he has stated: “We are proud to women- old and young or small or adult- who are present in the cultural, economical and military situations along with the men or even better than men for the excellence of Islam and the Holy Quran” (Imam Khomeini, 1995: 207-209). And he has stated elsewhere: “A nation that its women are in the forefront to promote Islamic purposes will not suffer” (Imam Khomeini, 1992:31/13).

Then it became clear that when we observe the second aspect, we understand that the conditions of today’s life demand that women work along with men to promote the common goals and divine and human ideals and achieve the sciences and knowledge and try in different social activities and work and get educated outside their homes.

Therefore, it should be stated: it is true that the main task and the critical mission of women, firstly, is to warm up the family, husband and children and train them; but, secondly, due to this matter that women are powerful and capable persons, if there is some balance between their abilities and their main tasks and if their physical and psychological structures have been considered and they can achieve the suitable social position and do the proper activities in accordance with their structures, the women undoubtedly will perform their duties and overcome the problems. This is a tribute to great characteristics of the women and helps the social presence of this great group in Islamic system.

So, in Islamic societies, especially in our Islamic society, there are many capacities for the social presences and active participations of women. If women consider the suitable criteria for the selection of the jobs and pay attention to the best activities compatible with their mental and physical characteristics, they can employ their tasks and duties with the best selection and it can be noted that, in this regard, two aspects of the employment of women have been considered. But if the criteria in the selection of jobs are not considered, there is no balance and harmony between the selected activity and the physical and mental characteristics. This contradiction between them leads to form the psychological stresses and disorders and decrease their efficiency in the family and the society. Accordingly, in the classification scheme, the businesses in Iran have been divided into eight groups:

1 –Field of educational, cultural and art affairs including teachers, teaching, artistic production, public relations, advertising, media, the press and so on.

2 – Field of social affairs including the jobs of the field researches, psychology, sociology, political science, international relations, social statistics, analytic issues, and consulting, training science and so on.

3 – Administrative and financial fields including all jobs in accounting, audit, administrative, banking, financial, insurance, stock exchange, economic statistics and so on.

4 – Health and medical fields including all jobs in medical, dental and paramedical, nursing, midwifery, pharmacy, the use of new systems in health and medical, production of medicines, vaccines and so on.

5 – Field of business services including brokerage and intermediation, sales and trading, distribution of goods, services, sports, travel and entertainment, food, building and construction, professional improvement and repair and so on.

6 – Agricultural and environment fields including planting, harvesting and removal of the products, researches related to every phase, promoting the beneficial animals and related studies, veterinary medicine, botany, forest and climate studies, desertification and so on.

7- Technical and engineering fields including all the hardware and software jobs in technology and industry, innovation and industrial production, industrial workers, workshops and laboratories and so on.

8 – Data processing fields including librarianship, producing information software, dissemination of information, internet, transfer and integration of data, data evaluation, and protection and so on.

After expressing eight groups of the jobs in Iran, a question arises: What is the priority of the employment of women? The answer is that these groups of jobs are classified in three types:

The first group of the jobs that the participation of women is necessary is: health, medical and education services to the women and, in general, all professional services to the women. The next priority is jobs in fields of the press and media, rescuers and charity activities performed by the volunteers of Red Crescent and the sports activities that the government should provide the education areas and deliver the services to the women because in these cases, the activities of the women are, with privacy, considered as a virtue because the presence of the women in the society is not necessary when there feels no shortage in the society because of their absence in the society. It means that the absence of the women causes no harm to the community in field of jobs. But the presence of the women in the society will be necessary in some jobs such as teaching, medical sciences, management fields and professional activities that are more important. Of course, the most important point is to save the privacies in the connection with the strangers in order that the employment of the women will be considered as a virtue.

Then, it should be said that the ideal activity for the women is in an area that is actually a need for their presence. For example, for the “reporting”, if the interviewee is a woman, the reporter can be a man or a woman. If the reporter is a man, there is no virtue and it is only a working relation but if the reporter is a woman, in addition to social and external relations, there will be formed a consultation virtue between two Muslim women.

Therefore, if women update their positions in the community, the government should improve all areas required for the women power to train specialists including firewomen for some cases that a woman is in a fired house. If a firewoman can save another woman from the fire, her presence is necessary. Also, the jobs including “saleswoman ship” working in the offices and meeting the needs of clients are the most common necessary jobs for the employment of the women.

The second group of jobs is the activities that are difficult for many women and is detrimental and contrary to the creation of women such as working under the sea, welding the high-voltage power transmission towers, working in the chemical factories, working on the ship and the sea, long travels and transportation between the roads; although, the women give these career opportunities to men.

The third group is the jobs shared between women and men and both of them afford these jobs such as the agriculture field, working in factories, working in workshops that Islamic government should distribute these occupational opportunities but because men are responsible to provide family subsistence due to Islamic principles, we have no priority for women and, in general, the activities of men and woman in this field is permissible. It is notable to mention that in some jobs of first group, there should be some priorities in favor of the women applied from the government because in Islamic government, any sick woman should not be treated by strangers. The third group, due to the duties of men in the family subsistence and giving the alimony, can be distributed with the priorities of men. Although the codification of policies and programs of the Islamic system for the employment of women is an extensive, deep and expertise activity, but, based on what mentioned before, the tasks of the Islamic system for the employment of the women can be briefly described:

- 1 – Cultural reformations in order to highlight the role women (maternal and husbandry) and consider other activities in the next priorities
- 2 – To provide the needs of the family head in order that the wives do not engage in the forced income-generating activities.
- 3 - To support the employment of women and men as the family heads in the form of assignment of employment priorities, insurance exemptions etc. so that the employers do not employ the single persons.
- 4 – Special support of the social security from women that are in charge of their families under necessity.
- 5 – To reform the educational system according to the abilities and characteristics of men and women and the expectations of the society and to form the suitable fields related to the professional and academic disciplines.
- 6 – To develop the domestic businesses and decomposition of biodegradable industrial activities performed in the houses.
- 7 – To create part-time and flexible jobs
- 8 – To create the facilities that women can perform their activities and return to work after a long leave due to raising children.
- 9 – To encourage men and women in order to attend in the suitable fields due to their characteristics in form of the special supportive designs.
- 10 – To encourage women to participate in activities of none—governmental groups including charities, assisting, support from the elderly, arts and environmental researches.

It should be noted that the policies of the employment of the women in the Islamic Republic of Iran considered for the employment of women by the Islamic lawgiver including midwifery, medicine, teaching and the jobs that are suitable for the assistant women, translation etc. should be provided the effective facilities by the executive systems and performed the appropriate programs in the priorities as well as the rules and extra features much needs.

After stating the jobs considered the priority for the women, it is necessary to evaluate the distribution way of women employed in occupational jobs during the last 15 years and assess the statistical center of Iran.

Main groups of activities	Man and woman	man	woman
total	100%	100%	100%
Agriculture, hunting and forestry	21.7	20.6	21.7
fishing	0.3	0.4	0.0
mining	0.8	0.9	0.8
industry	16.5	15.0	26.6
Providing power, water and gas	1.0	1.0	0.3
construction	12.3	14.0	0.1
Wholesale, retail, repair of motor vehicles and personal and household goods	14.6	16.2	3.4
Hotels and restaurants	0.7	0.8	0.3
Transportation, warehousing and communications	8.1	9.1	0.7
Financial intermediate	1.1	1.2	0.8
Real estates, renting and business activities	1.3	1.3	1.1
Public administration and defense and compulsory social security	10.8	1.8	3.4
education	6.6	4.2	22.5
Health and social work	2.1	1.4	6.9
Other public services activities	1.8	1.7	3.1
Normal households with workers	0.1	0.1	0.3
Organizations and missions abroad	0.0	0.0	0.0
Central offices	0.2	0.2	0.1
Unknown and declared activities	0.0	0.0	0.0

(Statistic center of Iran, occupational characteristics and unemployment of the families)

According to above table, it is observed that the most activities among the women are the agriculture, industry and educational fields. It should be noted that due to the statistical center of Iran, some craft activities and some jobs such as the carpet weaving are considered among the industry. We decorate the final discussion with some sentences from Ayatollah Khamenei, the supreme leader of Iran, in this regard: “according to Islam, the activity field and scientific, economical and political activities have been completely provided for the women. If someone wants to deprive women from the social, economical, political and scientific activities, due to the Islamic view, he has acted against the judgment of Allah. These activities will not be considered the barriers if they can do them because of their necessities. According to the religious law, there is no problem in the activities of women economically, politically and socially. Of course, women are physically more dedicated than men; therefore, it should be considered. The imposition of the heavy working

on the women is oppression. Not only Islam does not recommend this but also does not prohibit the scientific, political and social efforts” (Woman message, 1996:18).

### **Principles of Prioritizing in Jobs of Women**

#### **Proportion of Job with Features of Women**

One of the reasons to prioritize the jobs of the women is the proportion of the job with their characteristics. The changes in roles of the women are clearly reflected in their lifestyles caused to displace some changes in their lifestyles even wearing the clothes. The most important issue, neglected by some of us and caused not solving the problems of women, not only, but also doubling their difficulties, is to ignore the differences between men and women. Some persons think this is the equality between men and women but this idea is wrong. To express the slogan of the equality between men and women, regardless to their differences and their natures, makes to ignore the primary and natural rights of the women. Due to the differences between men and women, it should be noted that they have natural differences and characteristics divided into the genesis and legislative groups. Some of the innate and genesis differences are biological, behavioral, physical and psychological differences. Ayatollah Mutahari has stated in this regard: “the differences between men and women are proportions between them not the defects and perfections. The law of creation wants to make more proportions between men and women with these differences that have certainly made for the marriage and single living is some deviation from the law of the creation” (Motahari, 1990: 170). Due to these issues, we should take into consideration the employment of the women.

Some of the legislative differences are:

In fact, the concept of this verse is that the justice between men and women does not mean that they are equal in everything and step with each other. With regard to the extensive difference between the physical and psychological powers among men and women, it is obvious that women are created to do different tasks to men and women have different feelings. Due the law of the creation, women have the duties including the maternal feelings and raising the children, so they have the greater share of emotions. So, according to this verse, men have the heavy social tasks and have been allocated a great share of thinking. Therefore, if we want to execute the justice, men should have been allocated to the social activities that require more thoughts and resistance and tolerance and women should have been allocated to nthe tasks that require more feelings and emotions. However, it will not be a barrier for women to have responsibility in the community and they can perform the social activities alongside their maternal duties (Makarem Shirazi, 1995; Tabaresi, Unknown date: 2/575; Gonabadi, 1980:2/202).

The above verse states that each group has special talents and facilities that can act in one part of the life issues and normally their services will be available to others as they provide services from others in other fields. Such process is a mutual activity and, in other word, the aim is to cooperate in the living issues not something else.

Needless to say, if all humans were equal in terms of intelligence, talents and mental and physical activities, the social orders would never be settled as if the cells of human body, in terms of the structure and elegance and the strength, were all similar to each other, the system of human body would be disordered. Where are the very strong cells of the heel and where are the dedicate cells of the retina? Both of them have responsibilities that have been accordingly made. Thus, when it says: it shows the lack of the social justice if “justice” has been interpreted “equality” while the truth of the justice is that everything in an organization has been placed in own position, whether the hierarchy in an army or an administration is a reason for the oppression in them? But, the existence of the differences should not be an excuse for the exploitation of the man by man. Everyone must be free to apply his own creative forces and flourish his own ingenuity and then



can benefit from the results of his activities and those who have power should try to resolve the shortages (Makarem Shirazi, 1995; Tabaresi, 1993: 9/71; Karami Hoveizi, 1985: 7/147).

Allame Tabatabaie has stated in interpretation of this verse: "and finally all persons have duties to do the jobs due to their capacities with regard to the needs of the society and what they needed using them and giving the surplus to others. This is the social interaction that has been well-known for the people. Each group of men and women has their own characteristics. For example, men have strength and power and women are naturally sensitive. Since the human nature, socially and developmentally, requires expressing the strength and power and also the love and affection, also requires the strength and love of other people. These two features are two parts of the public adsorption and desorption manifestations of human community" (Tabatabaie, 1995: 156/2).

Mentioning these features shows that men and women have natural differences and characteristics and then, the differences should be considered in employment.

Imam Ali (AS) has stated in his treatise to Imam Hassan (AS):

"Do not assign any activity to a woman beyond her ability because the woman is sensitive not a tough and hard-working athlete" (Koleini, 1986: 11/17; Horramali, 1990:7/86).

This narrative represented some guidance prohibition has mentioned to the physical and mental features of the women that they should do activities due to their physical and emotions conditions not to disturb their comforts.

### **Proportion of Jobs with Interests of Women**

Sometimes the women can do some activities and perform the professional tasks as the men without any physical, mental and security limitations but they may be prohibited from engaging in such activities because of their situations and interests in non-pregnancy conditions or their pregnancy.

According to the labor law, approved in 1990/ 01/03, there has been focused on the equality of all working conditions and salaries for men and women. But we observe the differences in this law. Article 75 of the labor law has stated: "doing dangerous, difficult and damaging activities as well as carrying the cargo exceeds permissible limitation by hand and without the use of mechanical means are prohibited for the women." While in Article 3 and 4 of the Regulations referred to Articles 75 and 83 of the Labor Law, the act approved in 1996/ 00/00 by Minister of Labor and Social Affairs has stated: "The maximum weight allowed for conventional cargo by hand and without the use of mechanical tools for working women is about 20 kg." In Article 4 of the Regulation was set: The maximum weight allowed for hand and without the use of conventional mechanical tools for working adolescent women is about 10 kg.

Due to limitations contained in these materials, the difficult, hard and dangerous situations are prohibited for the women that these situations are exacerbated by damages and losses. Therefore, the origin of these limitations is covered in the interests hidden in discrimination against the women. Thus, the unnecessary extravagances in the field of discrimination, regardless to the specific natural characteristics of men and women seem the non-rational illogical issue. Auguste Conte writes: "On the assumption that the demands of the claimants of the rights of the women have been fully realized and the men and women have been considered equal in all political and social aspects, the women will incur a loss because the hard and difficult activities in the factories have plagued them and they cannot do their main tasks" (Vajdi, stated by Fatahizadeh, 2008:243).

### **Proportion of Jobs with Interests of Family**

The family environment is the first situation that should sever the man such as meeting the physical and spiritual needs of the household and, more importantly, their training and all-round protection from the religious, social and cultural dangers and then it is the turn of Islamic community in this area that the most profitable and enduring services are working towards all-round development of the people of Allah, especially in the field of ethics. Imam Sajjad (AS) in passages of the prayer "The noble acts of Morality", has explicitly pointed to this (al-Sahifa al-Sajadia, 2002: prayer 20, part 3).

In this statement, there are two important points: first, the goodness of the human should reach the people. Second, we should not destroy the goodness by reminding somebody for done action. It is clear that the words of Imam Sajjad should be interpreted in this way: "Oh my Lord, give me the goodness in my hands in order that I give it to people." These words, in this case, refer to the establishment of good effects and services and if they have advantages for the people, they would be sustainable and continuous. Then, due to one of the purposes of the establishment of the family that is to provide the rest field and to flourish the talent field, it is necessary to coordinate the jobs of the women with the purposes of the family and provide the divine revelations.

### **Obedience of Husband**

Another reason that has caused to prioritize the jobs of the women is the obedience of the husband from the woman. The obedience means: "accept and adopt somebody's orders and empower them" (Amid, 1984: 415, 1990: 2/3761; Husseini Zobeidi, 2007: 25/98).

In terms of law, the obedience has been used both general and specific meanings. In specific meaning, the obedience is that the woman gives her husband the possibility of the sexual exploitation normally and then the husband, also, has the normal sexual relations with his wife (Helli, 1980: 300; Ameli, Zeinaldin ibn Ali, 2001: 1/334; Najafi, 1983: 31/200). The obedience in general meaning is to comply with the wills of the wife and husband in all life issues (Helli, 1980: 300; Ameli, Zeinaldin ibn Ali, 2001: 1/334; Najafi, 1983: 31/200). One of the meanings of the obedience in general meaning is that the woman permits his husband in order to leave the home. The Shiite jurisprudents believe that woman out of the house in any case - whether or not it is incompatible with the permission of the husband- should the husband's permission, except to perform duties such as Hajj, the obligatory bath, obligatory prayers or treatment of diseases that stop the out of home. Because the obedience to the husband is obligatory or that the contract provision that women be allowed to leave home and do not require a husband's permission, in the case of another sentence for the husband be the withdrawal of a woman to prevent it (Tosi, 1972: 4/331; Imam Khomeini, 2000: 2/299; Najafi, 1983: 31/30).

So, a woman without her husband's permission cannot visit her close relatives and even go out of home, otherwise she has sin and is considered as a shrew due to the legal rules and she is eligible to claim the alimony. Some texts have been referred to the hadith and fiqh that are the reasons of some jurists. Therefore, we explain one of them to refer the issue:

Imam Baqir has stated: "A woman came to the Prophet and asked him about the right of the husband on the wife. He said: the woman should obey him, not do charity activities and not recommend fasting without her husband's permission, not refuse him even on the back of the camel, not go out without his permission because the angels of heaven and earth curse her to return home. Then she asked: oh, Messenger of Allah, who has the highest right more than other on the man? He said: his father and mother. She asked: and me? He said: not one percent (Horr Ameli, 1990: 14/112).

However, among the jurists, some have more moderate views and have said: the woman cannot go out without husband's permission if it is inconsistent with the right of the husband. Therefore, her departure from home without husband's permission is not recommended and it is considered some disobedience (Khui, 1995: 2/289). According to this view, some departures do not need any permission. For example, when the man is out of the home or he has left the home for a trip, there is no reason for the woman not going out.

Due to the responses of some contemporary scholars in this field, it follows that the husband's permission for the woman to leave is not necessary for all situations. We state some religious matters and the responses of some scholars to show the validity of the subject:

Question: Can a woman leave home without her husband's permission?

Answer: Whenever the departure of the woman is incompatible with the right of the man, the woman should not leave the home (Ardebili, 1998: 1/433; Tabrizi, Unknown date: 2/357). A woman's leaving without her husband's permission, is prohibited when it is incompatible with the dignity of the family. But other departures are not prohibited because the marriage is a common life causing stillness and tranquility and the husband should associate with his wife and the marriage is not the element for the slavery, tutorship and interdiction of the woman (Sanei, 2005: 2/503).

As a result, it should be said that some scholars consider the permission of the husband as a necessary issue – absolutely or incompatibly- but some other scholars have disagreed with popular opinion. It seems that the recent theory due to the reasons listed below, has agreed rules.

The principle is that no one can govern other unless has the definite evidence to govern. While the implications of retaining the jurists is not clear and definite traditions supported are valid due to the documents, but the implication is significant because all obligatory and non-obligatory rights have been required. According to the views of the scholars, the obedience from the husband in washing clothes, cooking foods and other non-mandatory requirements are not necessary.

According to the verses of Quran, the man should associate lawfully. No doubt, the prevention of the husband from the departure of his wife in some cases such as visiting mother and father or participation in their funeral and other cases are inconsistent to the principle of the association lawfully. The liberty deprivation of the married women, as told in famous traditions, involves the hardship and the fault while they (the hardship and fault) are rejected in Islam: (Haj, 78): “In Islam, there is no heavy and hard work on you”.

So, the right of the husband is not to control her wife absolutely. The husband has the right to associate with his wife and the woman also has the rights. The liberty of the woman, if it is incompatible with the right of her husband, has been limited.

Lawyers in this regard are divided into two groups: some of them have followed the famous opinion and vast territory for the president and said that the departure of the woman should be done only with the permission of her husband (Mohaghegh Damad, 1997:316; Haeri Shahbagh, 2008: 964). In contrast, others consider a more limited scope for the presidency of her husband and said that a husband can control the departure of his wife due to the interest of family or limit her departures which threatened the health of family but the husband has no right to prevent his wife for the social obligation or visiting her family because the purpose of the legislature is to maintain the family's interests and reputation of the two sides and the pair is optional must be applied in the same range (Katozian, 1996: 1/329; Imami, 1996: 4/423). It appears that the latter theory may be more accurate if the legislature makes explicitly the opinion of jurists not object to this content yet.

Therefore, Article 1105 (in relation between spouses, the administration of the family is the duty of the husband) that is the only legal document for the permission of the husband for the departure of the woman, has limited this permission to the affairs that are incompatible with the obligatory rights of the husband, as the term “relations between spouses” in this article refers to this meaning. After all, if the departure of the wife, in all cases, is subject to the consent of the husband, Article 1117 of the civil law that is related to the employment of the women is considered much less important because the employment of the women outside applies to it.

Thus, to ensure this issue that a woman should be permitted for all her departures, and if just cause, without the permission of the husband, she can go out and obedience is not required. So, due to this matter that some jobs are not contradictory with the right of the association and other rights of the husband and the society

needs to women concerning these necessary activities, it should be noted that these jobs are in priorities for women. But if the husband's rights, dignity couples or family interests are in conflict, women are not permitted to work.

### **Lack of Responsibility of Women in Providing Means of Living of Family**

With regard to this matter that one of the purposes of a woman's employment is to achieve incomes and to provide the expenses of living, according to Article 1106 of the civil law, in permanent marriage, the man is responsible to pay the alimony of the woman; therefore, there is no necessity on the woman's employment and she can have more roles on training the children because the man spends his time mostly outside the home in order to achieve the expenses of living and cannot take part in training the children. Thus, the woman does not need to work in order to gain income and she should spend her time for the children and housekeeping. As a result, in jobs where there is no reason to fill by the women, it is better that these jobs to be appointed by men.

It is obvious that a woman who has no responsibility outside the home can certainly perform its duties with more rest and tranquility, meeting the emotional and psychological needs of her husband and children and their basic requests with additional power and helping the family members to success and develop their overall growth contexts.

In addition, the mental structure, physical features and psychological and emotional behavioral characteristics of the women are in manner that may be damaged when facing to the current problems of the society, dealing to clients, the necessity of the work connections with the boss and staff in the workplace and responsibility and getting along with the troubles and other problems, and perhaps they may suffer, in some cases, from the psychological and spiritual crisis and, as a result, they cannot overcome their main responsibilities- maternal and housekeeping duties.

### **Conclusion**

Islam has considered job and activity as the fundamental unit of life and the strongest factor for the production and the most important element in producing the wealth. Prior to the creation of the new schools, Islam has laid its eternal school and has explained the importance of the job by Quran and traditions.

As today's world is an industrial and automotive world and women as well as men can be considered the producers; so women should not only be considered as the consumers because the exclusion of women, that are half of the stimulus tools, causes stopping the wheels of the lives. In addition, the employment of women is very effective in removing the fundamental problems such as illiteracy, balancing the incomes and removing the problems and the gaps in the incomes. So, the employment of women, in addition to the social influence, is a means to improve the economy of the families.

It should be noted that in most cases, the employment of women is considered some allowance; but, sometimes it may be totally the responsibility of the women due to the loss of the family head and then such women have direct responsibility in home affairs both economically and socially; although, they have not legally such responsibilities.

Some jobs are hard for women and incompatible to their creation. Some jobs have been shared between the women and men and both of them afford to do these jobs such as the agriculture field, working in factories, working in workshops that Islamic government should distribute these occupational opportunities but because men are responsible to provide family subsistence due to Islamic principles, we have no priority for

women and in general, the activities of men and woman in this field is permissible. It is notable to mention that in some jobs of first group, there should be some priorities in favor of women applied from the government because in Islamic government, any sick woman should not be treated by strangers. The reason to prioritize the jobs for women is that the tasks should be suitable for the characteristics and interests of women and also the obedience of women from men and having no responsibility in providing the expenses of living should be considered.

Men and women have different characteristics, and these differences between normal duties require that they be placed in a variety of comfort. In some cases, the best interests of the individual or society demands that women be prohibited from working on some cases.

Women should obey their husbands and cannot leave home without the permission of their husbands. Some jurists have absolutely stated that a woman cannot leave home without the permission of her husband but some other jurists have stated that if the departure of the woman is associated by the rights of her husband and it does not cause any deviation for the woman or the husband and not to undermine the munificence of the husband, there is no need for the woman to ask for permission from her husband. It seems that according to the principle of non-governing, the verse 19 of Surah Al-Nisa, the permission from the husband requires the hardship, the latter opinion is more correct.

## References

- 1 – Holy Quran, translated by Makarem Shirazi, Naser
- 2 - Al-Sahifa al-Sajadia, 1970, Qom: Alhadi publication institution, first edition
- 3 – Ibn Baboye Qomi, Mohamad ibn Ali ibn Hussain, 1965, man la yahzaralfaghih, third edition, Qom, teachers' association, second edition
- 4 – Ibn Manzor Afrighi al-mesri, jamal al-din Muhammad ibn mokaram, 2005, lesan alarab, second edition, moasesat alalami lelmatboot, second edition
- 5 - Ardebili, Abdolkarim, 1998, steftaat!, first edition, Bija
- 6 - Imam Khomeini, Rooh allah, 2010, *tahrir alvasile*, second Vols
- 7 – Imam Khomeini, Rooh allah, 2002, Sahife nor, fifth Vols, Tehran: Cultural documentary organization of Islamic Republic of Iran, second edition
- 8- Imam Khomeini, Rooh allah, 2004, short terms, wisdoms and advices, Tehran, publication institution of the works of Imam Khomeini, third edition
- 9- Imami Seyed Hasan, 2006, Civil law, fourth vols, Tehran, Tehran University, first edition
- 10 – Bojnordi, Seyed Hasan, 1990, alghavaed alfeghhiya, Bija, Esmaeilian, first edition
- 11- Tabrizi, Javad, Unknown date, second vols, Qom, Srvar, first edition
- 12 – Salabi Nishabori, Abu Eshagh Ahmad ibn Ebrahim, 2000, *alkashf albayan an tafsir alquran*, Beirut: dar ehya altoras alarabi, first edition
- 13 - Johari, Tantawi, (without date). Karim al-Jawahiri per Commentary, vol. 2, Dar alfeqr, Beirut, Lebanon: unwarranted, bija.
- 14 – Haeri, Sjahbagh, Seyed Ali, 2008, Civil law explanation, Tehran, Ghanj Danesh
- 15 – Horr Ameli, Mohamad ibn Hasan, 1997, vasaal alshia ela tahsil masael alsharia, Correction: Rabbani Shirazi, Abdul, 14.17, Beirut: dar ehya altoras alarabi, First Edition.
- 16 - Horr Ameli, Mohamad ibn Hasan, 1997, hedayat aloma ela ahkam alaemamontakhab almasael, 7 Vol, Mashad, majma albohoos aleslamiya, first edition

- 17 – Hosseini Zobeidi, Mohamad Morteza inb Mohamad, 2007, *tajalaroos men javher alqamoos*, 25 Vols, daralkotob alelmiya, first edition
- 18 – Heli, Hussein ibn Yosef inb Motahar, 1996, *mokhtalef alshia per ahkam alsharia*, 7 Vol, Qom, markaz nashr altabe almaktab alalam aleslami, first edition
- 18 - Heli, Hussein ibn Yosef inb Motahar, 1996, *(ezah alfavaed fi sharh eshkalat alghavaed*, Esmaeilian Institution, first edition
- 20- Heli, Hussein ibn Yosef inb Motahar, 1995, *almokhtaser alnafa fi feqh alemamiye* :“mosesat albesa, Tehran, Second edition
- 21 – Khoi, Abolghasem, 1990, mnhaj alsalehin, second Vol, Qom, city of knowledge, 27 edition
- 22 – Zakhili, Vahibe ibn Mostafa, 1996, *altafsir almonir fi alaghida and alsharia* , Beirut, second edition, daralfekr almoaser
- 23 – Sanei, Yusef, 2005, *judicial questions*, second Vol, Tehran, Mizan, first edition
- 23 – Tabatabaie, Mohamad Hassan, 1997, *almizan fi tafsir alquran*, vols: 2 and 10, Islamic publication institution, Fifth edition
- 24 – Tabarsi, Fazl ibn Hassan, 1993, *majma albayan fi tafsir alquran*, Vols 2 and 9, Tehran, Nasir Khsro, third edition
- 25 - Tabari, Muhammad ibn Jarir al, (1993). *jame albayn fi tafsir alquran*, Beirut: Dar Almarefh edition
- 26 - Tusi, Muhammad ibn Hasan, (unknown date). *altebyan fi tafsi alquran.*, vol. 6, Beirut: Dar al Altras resuscitation, first edition
- 27 - Tusi, Muhammad ibn Hasan, 2008, *almabsoot fi feghh alemamiye,almaktabat almorazaviya fi ehya asar aljafari*, third edition
- 28- Tusi, Muhammad ibn Hasan, 2008, *alkhalaf*, Islamic publication institution, Fifth edition
- 29 – Ameli, Zien al-din, 2001. *alrozat albahiya fi sharh allomat aldameshghiya* Asad allh, Lotfi, First Vol, Tehran, first edition
- 30- Ameli, Zien al-din, 2001, *alroza research: Korani, Ali*, first edition
- 31 : Amid, Hasan, 1984, *Amid dictionary*, Tehran, Amir Kabir, first edition
- 32 - Fattahy zadeh, Fethiye, (2007). *Women in Islamic history and thought*, Qom, Qom garden books.
- 33-Fadl Allah, Mohammad Hussain, (1987). *I interpret the revelation of the Quran*, unwarranted: daralmalaek leltabaat and nashr, Second Edition.
- 34-Katozian, Naser, (1995). *Civil rights, family*, vol. 1, Tehran, in cooperation with the publishing company program.
- 35 – Karami, Horozi, Mohamad, 1970, *altafsir leketab allhe almonir*, 7 Vol, Elmieh publication
- 36 - Choleini, Abu Ja'far Muhammad ibn Ya'qub, (1986). *Al-Kafi*, vol. 11, Tehran: :daralkotob aleslamia Fourth Edition.
- 37-Gonabadi, Sultan Muhammad, (1976). *tafsir bayan alsadah fi maghamat alebad*, vol. 2, Beirut: mozesat alalami lelmatbooaat, Second Edition.
- 38-Mohaghegh Damad, Mostafa, (1998). *Legal analysis of marriage and dissolution of family law*, unwarranted publication of Islamic Sciences, Sixth Edition.
- 39-Motahari, M., (1990). *Legal status of women in Islam*, Tehran, Sadra printing.
- 40 – Makarem Shirazi, Nasir, 1995, *tafsir alnemoone*, 21 Vol, Tehran, dar alkotob aleslamia, first edition
- 41- Mousavi Baghdadi, (1999). *Razi Syed Alam al-Hoda Ali Bin Al Hussein*, Nahjolbalaghe, second edition
- 42 – Najafi, Mohamad Hasan, 1984, *javaher alkalam fi sharh alsharaye aleslam*, 31 Vols,
- 43 – Monthly Women Messages, No. 18